"French, Linda D"
<Linda.French@hatchmott.com>

06/25/2009 12:57 PM

To Elizabeth Ottinger/R3/USEPA/US@EPA
cc
bcc
Subject FW: Combined Wastestream Formula

Hi Liz,

I found this e-mail that may shed some light on how the flows for cyanide were determined. I think it explains things much better than I can. Would you please let me know if this answers your question? If not, I will try something else.

Thanks.

Linda French
HATCH MOTT MACDONALD

* 1600 West Carson Street, Pittsburgh, PA 15219
* Office: (412) 497-2912 Fax: (412) 497-2901
* Linda.French@hatchmott.com

-----Original Message-----
From: Lovell.John@epamail.epa.gov [mailto:Lovell.John@epamail.epa.gov]
Sent: Monday, July 28, 2008 10:59 AM
To: French, Linda D
Cc: MacKnight.Evelyn@epamail.epa.gov;
Ottinger.Elizabeth@epamail.epa.gov; Copeland.Stephen@epamail.epa.gov
Subject: Re: Combined Wastestream Formula

The formula that you listed below is how the combined wastestream formula (CWF) breaks down if there are no flows other than regulated flows (and using the CWF for concentration based standards). Where there are unregulated flows or dilution flows, you can't simplify it that way. There are two parts to the CWF. What you have listed is the first part of the formula, except instead of dividing by the total flow, you would divide by the total regulated flow (total flow minus any dilution or unregulated flow). This is essentially a flow weighting of the standards for the regulated flows. FYI, the concentration based CWF is listed in the general pretreatment regulations at 403.6(e)(1)(i).

The second part of the formula adjusts for dilution flow and is the total flow minus the dilution flow divided by the total flow. Where dilution exists, this will adjust the standard lower to account for the dilution. To get the final alternative limit, you multiply the result from the first part of the formula with the result for the second part of the formula.

Based on your spreadsheet, there are two pollutants that need special treatment because there are unregulated and/or dilution flows - silver and cyanide. For silver, all of the metal finishing flows would be considered regulated because the metal finishing standards have a silver limit (it doesn't matter which wastestreams have silver). For the electroplating flows, the "copper, nickel, chrome" and the "rack silver" flows would be considered regulated because they have silver and would therefore be covered under the precious metals subpart of the

electroplating standards which has a silver limit. All of the other electroplating flows would be considered unregulated (neither regulated nor dilute) because they come under the common metals subpart which has no silver limit. Because all of the flows are either regulated or unregulated, there would be no dilution flows for silver (unless there was something other than the process flows at the sample point).

For cyanide, it becomes a little more involved. The metal finishing standards say that the cyanide limit applies only to cyanide bearing wastestreams, and all non-cyanide wastestreams are considered dilution. Since you're not showing any cyanide bearing wastestreams subject to metal finishing, all of the metal finishing wastestreams are considered dilution for metal finishing. Since the electroplating standards do not differentiate between cyanide and non-cyanide wastestreams, and both the common metals and precious metals subparts have a cyanide limit, all of the electroplating wastestreams are considered to be regulated, whether or not they have cyanide. There would be no unregulated wastestreams for cyanide.

Since the facility discharges more than 10,000 gpd, all of the other pollutants are regulated under both standards. Note however that the metal finishing standards should be the new source standards.

So here's how it breaks down:

For silver daily maximum:

Metal finishing regulated flow - 7248 gpd Electroplating regulated flow - 2904 gpd Unregulated flow - 11,511 gpd Dilution flow - 0 gpd

Therefore the calculations for the daily maximum limit work out as:

$\{[(0.43)(7248) + (1.2)(2904)] / 10152\} X \{(21663 - 0) / 21663\} = 0.65$ mg/l

For cyanide daily maximum:

Metal finishing regulated flow - 0 gpd
Electroplating regulated flow - 14,415 gpd Unregulated flow - 0 gpd
Dilution flow - 7248 gpd

Therefore the calculations for the daily maximum limit work out as:

$\{[(1.20)(0) + (1.9)(14415)] / 14415\} X \{(21663 - 7248) / 21663\} = 1.3$ mg/l

For all other pollutants:

Metal finishing regulated flow - 7248 gpd Electroplating regulated flow - 14,415 gpd Unregulated flow - 0 gpd Dilution flow - 0 gpd

Therefore the calculations work out as:

$\{[(A)(7248) + (B)(14415)] / 21663\} X \{(21663 - 0) / 21663\} = Limit$

where "A" is the limit from the metal finishing standard and "B" is the limit from the electroplating standard.

Average Limits

Note that the metal finishing standards have a monthly average limit

while the electroplating standards have a 4-day average limit. Since these are not based on the same time frame, they cannot be used directly in the CWF calculations. However, to account for this, the electroplating standards have equivalent monthly average limits in 413.04. To use this table, you would take the daily maximum and 4-day average limits for each pollutant from the electroplating standards and look up the equivalent monthly average limit for that pollutant. You would then use the monthly average limit from the metal finishing standards and the equivalent monthly average limit from the electroplating standards to calculate the monthly average limit to be applied in the user's permit. Therefore the permit would include a daily maximum and monthly average limit but not a 4-day average limit.

So here's how it breaks down for monthly average limits. Note that you use the same flows.

For silver monthly average:

Metal finishing regulated flow - 7248 gpd Electroplating regulated flow - 2904 gpd Unregulated flow - 11,511 gpd Dilution flow - 0 gpd

Therefore the calculations for the monthly average limit work out as:

{[(0.24)(7248) + (0.5)(2904)] / 10152} X {(21663 - 0) / 21663} = 0.3 mg/l

For cyanide monthly average:

Metal finishing regulated flow - 0 gpd
Electroplating regulated flow - 14,415 gpd Unregulated flow - 0 gpd
Dilution flow - 7248 gpd

Therefore the calculations for the monthly average limit work out as:

{[(0.65)(0) + (0.55)(14415)] / 14415} X {(21663 - 7248) / 21663} = 0.37 mg/l

Let me know if you'd like to discuss further, or if you'd like me to double check your calculations.

John Lovell
Pretreatment Coordinator
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-5790
215-814-2302 (fax)

"French, Linda D" <Linda.French@hatchmott.com>

07/28/2008 08:11 AM

To John Lovell/R3/USEPA/US@EPA

cc

Subject Combined Wastestream Formula

John, the combined wastestream formula is making my head spin. I understand from the past that the formula is basically:

(electroplating flow)(electroplating categorical standard) + (metal finishing flow)(metal finishing categorical standard) divided by total flow = alternate limit

What I don't understand is how the "regulated flow" and "dilution flow" apply to the above formula.

The attached spreadsheet indicates my (draft) understanding of the flows and standards associated with a facility.

If you could give me some insight on how to get started on the formula, I would greatly appreciate it.

Thanks,

Linda

Attention:
This e-mail and any files transmitted with it from Hatch Mott MacDonald are confidential and intended solely for use of the individual or entity to whom they are addressed. If you have received this e-mail in error please immediately notify the sender.

(See attached file: New Source Limits-Ask.xls)

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Attention:
This e-mail and any files transmitted with it from Hatch Mott MacDonald are confidential and intended solely for use of the individual or entity to whom they are addressed. If you have received this e-mail in error please immediately notify the sender.

New Source Limits-Ask.xls

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Joseph F. Ditty, Pretreatment Coordinator
Municipal Sanitary Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, Pennsylvania 15068-2046

AUG 2 0 2008

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I am pleased to approve modifications to the legal authority of the Municipal Sanitary Authority of the City of New Kensington pretreatment program in accordance with the General Pretreatment Regulations (40 C.F.R. 403). Since the revisions to the legal authority only reflect regulatory changes made by EPA, they are considered a non-substantial program modification and no public notice of this action is necessary. A listing of the documents included in this approval is enclosed.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The pretreatment program that the Authority implements must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact John Lovell at 215-814-5790.

Sincerely,

David B. McGuigan, PhD
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

Enclosure

cc: Samuel Harper, PADEP Southwest Region (w/enclosure)

Documents Included in Pretreatment Program Modification Approval
Municipal Sanitary Authority of the City of New Kensington

- Municipal Sanitary Authority of the City of New Kensington Resolution No. 03-07, adopted November 19, 2007
- City of Arnold Ordinance Number 1 of 2008, adopted May 13, 2008
- City of Lower Burrell Ordinance No. 3-2008, adopted July 14, 2008
- City of New Kensington Ordinance No. 1-08, adopted March 10, 2008
- Borough of Plum Ordinance No. 792-08, adopted January 14, 2008

Hatch Mott MacDonald

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031
T 412.497.2900 www.hatchmott.com

July 16, 2008

JUL 21 2008

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
Submission of Executed Streamlining Resolution
City of Lower Burrell

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed an executed copy of the City of Lower Burrell Ordinance No. 3 of 2008, which adopts the changes required by the streamlining rule. The ordinance was executed on July 14, 2008.

The changes required by the Streamlining Rule have been formally adopted by MSANK and each of the four municipalities served by the treatment plant.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

LF/iw
Enclosure

cc: Joseph Ditty - MSANK
Daniel H. Rowe, Jr. - MSANK
Stephen Polen, P.E. - HMM

Hatch Mott MacDonald

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1600 West Carson Street
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May 19, 2008

MAY 22

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
Submission of Executed Streamlining Resolution
City of Arnold

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed an executed copy of the City of Arnold Ordinance No. 1 of 2008, which adopts the changes required by the streamlining rule. The ordinance was executed on May 13, 2008.

It is understood that the City of Lower Burrell intends to execute a similar resolution in the near future. A copy will be submitted to you, upon execution.

If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

LF/iw
Enclosure

cc: Joseph Ditty - MSANK
Daniel H. Rowe, Jr. - MSANK
Stephen Polen, P.E. - HMM

Hatch Mott MacDonald

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219-1031
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March 28, 2008

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
Submission of Executed Streamlining Resolutions
City of New Kensington

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed an executed copy of the City of New Kensington Ordinance 1-08 (amending Chapter 169 of the City Code entitled, "Sewers"), which adopts the changes required by the streamlining rule. The ordinance was executed on March 10, 2008.

It is understood that the City of Lower Burrell and the City of Arnold have also executed their resolutions. A copy of each resolution will be forwarded to you upon receipt from these Cities.

If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

LF/iw
Enclosure

cc: Joseph Ditty - MSANK
Daniel H. Rowe, Jr. - MSANK
Stephen Polen, P.E. - HMM

Hatch Mott MacDonald

Gateway View Plaza, 1600 W. Carson St.
Pittsburgh, PA 15219-1031
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January 29, 2008

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

FEB 1 2008

RE: Municipal Sanitary Authority of the City of New Kensington
Submission of Executed Streamlining Resolution
Plum Borough

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed an executed copy of Plum Borough Ordinance No. 792-08, which adopts the changes required by the streamlining rule. The ordinance was executed on January 14, 2008.

It is understood that similar resolutions applicable to the City of New Kensington, the City of Arnold and the City of Lower Burrell are to be executed in the near future. Copies of the resolutions applicable to each of these municipalities will be submitted to you, upon execution.

If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

LDF/iw
Enclosure

cc: Joseph Ditty -MSANK
Daniel H. Rowe, Jr. - MSANK
Stephen B. Polen, P.E. - HMM

Hatch Mott MacDonald

Gateway View Plaza
1600 W. Carson St.
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December 28, 2007

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
Submission of Executed Streamlining Resolution

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed an executed copy of Resolution No. 03-07. The resolution, which adopts the changes required by the streamlining rule, was executed by MSANK during their monthly meeting on November 19, 2007.

It is understood that the Solicitor for MSANK has forwarded similar resolutions to the City of New Kensington, the City of Arnold, Lower Burrell and Plum Borough for their subsequent execution. Copies of the resolutions applicable to each of these municipalities will be submitted to you, upon execution.

If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

Enclosure

Cc: Joseph Ditty -MSANK
Daniel Rowe - MSANK
Stephen Polen, P.E. – HMM

LF/tw

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, Pennsylvania 15068-2046

OCT 0 9 2007

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I have reviewed the September 5, 2007 letter from your consultant, Ms. Linda French, that responded to my comments on the Authority's proposed pretreatment program revisions addressing EPA's streamlining revisions of the General Pretreatment Regulations. Ms. French's letter addressed all of the comments that I had, and the proposed revisions are now acceptable. Before the revisions can be approved, the revised legal authority must be adopted by the Authority and all of the municipalities served by the Authority's treatment plant. After submission of copies of the signed regulations and ordinances, I will be able to begin the approval process.

Please provide copies of the signed regulations and ordinances as soon as they are available. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator
NPDES Permits and Enforcement (3WP41)
Water Protection Division

cc: Stephen Balta, PADEP Southwest Region

Hatch Mott MacDonald

Gateway View Plaza
1600 W. Carson St.
Pittsburgh, PA 15219
T 412.497.2900 www.hatchmott.com

RECEIVED
SEP 11 2007
Office of NPDES
Permits and Enforcement
3WP40

September 5, 2007

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
Response to Streamlining Review Letter-2nd Revision

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), this submission is intended to respond to your letter, dated July 26, 2007, regarding review comments on the proposed changes to the pretreatment program as required by the Streamlining Rule. While draft revisions were submitted to the EPA on December 28, 2006, and June 18, 2007, it is understood that a few additional changes are required before the revisions are acceptable for approval.

For ease of review, the text of the existing ordinance (otherwise referred to as the Rules and Regulations) is presented in regular type. Text in italic type was already submitted to the EPA as a previous revision. Revisions proposed by this submission appear in bold, italic type.

PROPOSED CHANGES TO THE PRETREATMENT ORDINANCE

Best Management Practice (BMP) Compliance Information in Monitoring Reports

Per your suggestion, the following three revisions to Section 4.3-Permittee Reporting Requirements of the pretreatment ordinance are proposed.

1. The phrase "Additionally, the industrial user shall submit information needed to demonstrate compliance with any Best Management Practice" has been moved from Section 4.3.1(1) to Section 4.3.1(2).

2. The phrase "even if the industrial user's permit does not require such reports" has been deleted from Section 4.3.2.

3. Also, the text of Section 4.3.3 has been modified to require industrial users to report on compliance with applicable BMPs.

Hatch Mott MacDonald

Section 4.3.1- Measurement of Pollutants

(1) The Industrial User shall identify the Pretreatment Standards applicable to each regulated process, *including Best Management Practices (where required by the Pretreatment Standards or Control Authority.)*

(2) The industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. ***Additionally, the Industrial User shall submit information needed to demonstrate compliance with any Best Management Practice.***

Section 4.3.2 – Periodic Compliance Reports: Categorical Industrial Users

(1) Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, in the case of a New Source after commencement of the discharge into the POTW, shall submit to the Municipal Sanitary Authority of the City of New Kensington during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority ***or*** Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical pretreatment standards, ***including Best Management Practices.*** In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported. However, the Municipal Sanitary Authority of the City of New Kensington may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such facts as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. ***Any categorical industrial users subject to Best Management Practice requirements shall submit information on compliance with the applicable Best Management Practice.***

Section 4.3.3 – Periodic Compliance Reports: Non-categorical Industrial Users

The Control Authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. ***All non-categorical industrial users subject to Best Management Practice requirements shall submit information on compliance with the applicable Best Management Practice.***

Significant non-categorical industrial users shall submit to the Municipal Sanitary Authority of the City of New Kensington at least once every six (6) months (in dates specified by the Control Authority) a description of the nature, concentration and flow of the pollutants required to be reported by the Control Authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the 40 CFR sampling and analytical techniques are inappropriate for the pollutants in question, sampling and

analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other person, approved by the Administrator. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical industrial user. Where the POTW itself collects all the information required for the report, the non-categorical Significant Industrial User will not be required to submit the report.

Grab / Composite Sampling Requirements

Per your direction, the language requiring appropriate grab and composite sampling will be incorporated into Section 4.4.4(1)-Monitoring and Analysis, instead of Section 4.2.5–Permit Conditions.

Section 4.4.1(1) – Monitoring and Analysis

The reports required in Section 4.2.2, 4.3.2 and 4.3.3 of this Ordinance shall contain the results of sampling and analysis of the Discharge, including the flow and nature and concentration, or production and mass where required by the Control Authority, of pollutants contained therein which are limited by applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the Industrial User will not be required to submit the compliance certification required in the aforementioned reports. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Control Authority. Where time proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA Guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

PROPOSED CHANGES TO THE MSANK PRETREATMENT PERMITS

Incorporate Slug Control Requirements in Permits

Per your direction, the text of the permits will be revised to more specifically incorporate user slug control plans, as indicated below. Naturally, the text would be tailored to address the specific permittee's requirements. It is understood that if an industrial user amends their plan, MSANK would need to reincorporate the amended plan into the permit.

Hatch Mott MacDonald

Slug or Accidental Discharges

Each industrial user shall provide protection from accidental or slug discharges of prohibited materials or other substances regulated by this Permit. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the owner or industrial user's own cost and expense. Detailed plans showing facilities and a complete description of the operating procedures implemented to provide this protection shall be submitted to MSANK upon request.

Review and approval of such plans and operating procedures shall not relieve the Permittee from the responsibility to modify the industrial user's facility as necessary to meet the requirements of the permit.

A complete description of operating procedures must include, but not be limited to the following:

1. A listing of all stored chemicals, including the type and nature of chemicals, maximum quantity stored and any safety procedures to be followed if an accidental discharges occurs;

2. A description of discharge practices, including non-routine batch discharges, and

3. A description of procedures to prevent adverse impact from accidental or slug discharges, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, employee training, building of containment structures or equipment for emergency purposes.

For any industrial user that is required to develop and submit a slug control plan, the requirements of such slug control plan shall be specifically incorporated by reference as a condition of compliance with the permit. Implementation of the slug control plan is a requirement of the industrial user's permit. ***The permittee's slug control plan (title of actual document to be inserted here) dated (MSANK date of approval to be inserted here) is hereby incorporated into this permit. The permittee shall fully implement all provisions and requirements of the approved plan.***

Notifications

In the case of an accidental or slug discharge or any discharge that could cause problems at the MSANK sewage treatment plant, it is the responsibility of the industrial user to immediately telephone and notify MSANK personnel of the incident. The notification shall include the location of discharge, type of waste discharged, concentration and volume of the waste discharged and corrective actions.

Hatch Mott MacDonald

Within five days following an accidental or slug discharge, the industrial user shall submit to MSANK a detailed written report describing the cause of the discharge and the measures taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the industrial user of any fines, civil penalties or other liability that may be imposed by the permit or other applicable law.

Control Authority Review

MSANK shall, at least once every two years, evaluate whether each industrial user will be required to develop a plan to control accidental or slug discharges.

Incorporate BMP requirements in Permits

It is understood that where an Industrial User is subject to an applicable BMP, language specifically incorporating the BMP requirement will be specified in the permit.

The Permittee is responsible to implement applicable Best Management Practice based categorical standards or local limits stipulated in the permit, including Slug or Spill Control Plans. ***The Permittee's applicable Best Management Practice (insert type of required BMP (eg. toxic organic management plan)) is hereby incorporated into this permit. The permittee shall fully implement all provisions and requirements of the referenced BMP.***

The Permittee is required to report on *compliance with applicable Best Management Practice based categorical pretreatment standards or local limits stipulated in the permit. A self-monitoring report that does not include required information on an applicable Best Management Practice or other required notification, such as notification of the discharge of hazardous waste or a change in the potential for a slug discharge, will be considered an incomplete report, subject to enforcement action.*

Thank you for your review and consideration of these proposed changes to the MSANK pretreatment program. If you have any questions regarding these matters, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

cc: Joseph Ditty -MSANK
Daniel Rowe - MSANK
Stephen Polen, P.E. - HMM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUL 26 2007

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I have completed review of the proposed revisions to the Authority's Rules and Regulations, submitted on June 18, 2007 by your consultant, Ms. Linda French. Based on the review, a few additional changes will be needed as discussed below.

Best Management Practice (BMP) Compliance Information in Monitoring Reports

The Authority proposed to include language requiring reporting on compliance with BMPs in Section 4.3.1(1) of the regulations. While the language is acceptable, it may be more appropriate to include the language in Section 4.3.1(2), since 4.3.1(1) requires an identification of the applicable standards while 4.3.1(2) requires submission of data on compliance.

The Authority also proposed to include language requiring submission of information on compliance with BMPs in the periodic reports required for categorical users (Section 4.3.2). Again, the language is acceptable, but the phrase "even if the industrial user's permit does not require such reports" is probably not needed. Since there is nothing in this section of the regulations that indicates that it applies only through the issuance of a permit, there is probably no need to include the phrase.

Section 4.3.3 of the Authority's regulations requires periodic reports from significant non-categorical users. My previous comments on the Authority's regulations noted that the requirement for compliance information on applicable BMPs needed to be included in this section as well, but I did not find any proposed language revising Section 4.3.3, and therefore it must be amended. Language similar to that proposed for Section 4.3.2 should be acceptable for this section as well.

Grab/Composite Sampling Requirements

As part of the streamlining amendments, EPA revised 40 CFR 403.12(g)(3) to specify the requirements for grab and composite sampling, including the pollutants for which each type of sampling is appropriate, and when compositing of grab sampling may be appropriate. To address

this issue, the Authority proposed to revise Section 4.2.5 of its regulations to require that users conduct "appropriate grab and composite sampling." There are two issues with this language. First, since Section 4.2.5 details requirements that can be placed in the user permits, and does not apply requirements independent of the issuance of the permit. The most appropriate section of the Authority's regulations for these requirements would appear to be Section 4.4.1(1), or a separate section in 4.4.1. This section of the regulations applies monitoring requirements to all users independent of the issuance of a permit. In addition, the Authority's proposed language does not define what "appropriate" is. Below is the language from EPA regulations that addresses these requirements, and similar language needs to be incorporated into the Authority's regulations.

> Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

The Authority may choose not to allow compositing of grab samples, in which case the language addressing the compositing of grab samples should be left out.

Incorporate Slug Control Requirements in Permits

The Authority proposed a change to the general language of its user permits to require implementation of the user's slug control plan. As general language, this language is acceptable. However, the permits need to more specifically incorporate user slug control plans. To do this, language that references the user's specific plan by title and date would be appropriate, and would need to be tailored for each permit.

> The permittee's slug control plan (insert title of document) dated (insert date of document) and approved by the Authority on (insert date of approval) is hereby incorporated into this permit. The permittee shall fully implement all provisions and requirements of the approved plan.

Note that if the plan is amended, the Authority would need to reincorporate the amended plan.

Incorporate BMP Requirements in Permits

For incorporation of BMPs, the Authority also proposed general language. Again, as general language, the proposal is acceptable, but each user's permit must be tailored to specifically incorporate any applicable BMP requirements. Note that not all users may be subject to BMPs, and therefore not all permits would necessarily require this language. However, where a user is subject to an applicable BMP, language specifically incorporating the BMP is required, similar to the requirement for slug control plans. For example, if Keystone Rustproofing has developed a toxic organic management plan in lieu of monitoring for total toxic organics, then the plan and the requirement to implement the plan must be incorporated into the permit. Again, if the plan were amended, the Authority would need to amend the permit to reincorporate the amended plan.

Please provide a response to the issues raised above. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator
NPDES Permits and Enforcement (3WP41)
Water Protection Division

cc: Stephen Balta, PADEP Southwest Region

Hatch Mott MacDonald

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June 18, 2007

Mr. John Lovell, Pretreatment Coordinator
Office of NPDES Permits and Enforcement
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

JUN 21 2007

RE: Municipal Sanitary Authority of the City of New Kensington
Response to Streamlining Review Letter

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), this submission is intended to respond to your letter, dated March 3, 2007, regarding review comments on the proposed changes to the pretreatment program as required by the Streamlining Rule. While draft revisions were submitted to the EPA on December 28, 2006, it is understood that further changes are required before the revisions are acceptable for approval.

For ease of review, the text of the existing ordinance (otherwise referred to as the Rules and Regulations) is presented in regular type and the proposed revisions are presented in bold, italic type.

PROPOSED CHANGES TO THE PRETREATMENT ORDINANCE

1. Require SIUs to notify of changes affecting potential for slug discharges

Section 2.8 – Slug or Accidental Discharges

Each Significant Industrial User shall provide protection from accidental or slug discharge of prohibited materials or other substances regulated by the Ordinance. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained by the owner or User's own cost and expense. Detailed plans showing facilities and a complete description of operating procedures implemented to provide this protection shall be submitted to the Municipal Sanitary Authority of the City of New Kensington prior to construction of the facility. All existing Significant Industrial Users shall have completed the aforementioned plan as required by this Ordinance. No Industrial User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Municipal Sanitary Authority of the City of New Kensington. Review and approval of such plans and

operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Ordinance. ***All industrial users shall notify the Authority of any changes at the user's facility that affect the potential for slug discharges even if it is not anticipated that a discharge would normally occur based on the facility changes.***

Section 4.2.9 – Notification of Changed Discharge

All industrial users of the wastewater system of the Municipal Sanitary Authority of the City of New Kensington shall promptly notify the POTW in advance of any substantial change in the volume or characteristics of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 402.12(p). ***All industrial users shall notify the Authority of any changes at the user's facility that affect the potential for slug discharges even if it is not anticipated that a discharge would normally occur based on the facility changes.***

(This text will also be incorporated into the MSANK pretreatment permits.)

2. Incorporate Slug Control Requirements in Permits

Section 4.2.5- Permit Conditions

Section 4.2.5(k) Requirements for notification of slug discharges, as per Section 2.8 of this Ordinance, ***including the requirement for development and implementation of slug control measures, and any changes at a user's facility that affect the potential for slug discharges, even if it is not anticipated that a discharge would normally occur based on the facility changes.***

3. Require Best Management Practice (BMP) Compliance Information in Monitoring Reports

Section 4.2.2 (l) – Permit Application

The nature and concentration of any pollutants in the discharge which are limited by any municipal, state or federal pretreatment standards, ***or Best Management Practices,*** and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, ***including submission of information needed to demonstrate compliance with any Best Management Practice,*** and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards ***or Best Management Practices.***

Additionally, the words "***Where known***" will be deleted from the beginning of the paragraph.

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Section 4.3.4 – Compliance Report Deadline

Within 90 days following the date for final compliance with applicable Categorical Pretreatment standards or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements, ***including Best Management Practices,*** shall submit to the Municipal Sanitary Authority of the City of New Kensington a report containing the information described in ***Section 4.3.1*** of this Ordinance.

Section 4.3.1- Measurement of Pollutants

(1) The Industrial User shall identify the Pretreatment Standards applicable to each regulated process, ***including Best Management Practices (where required by the Pretreatment Standards or Control Authority) Additionally, the Industrial User shall submit information needed to demonstrate compliance with any Best Management Practice.***

Section 4.3.2 – Periodic Compliance Reports: Categorical Industrial Users

(1) – Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, in the case of a New Source after commencement of the discharge into the POTW, shall submit to the Municipal Sanitary Authority of the City of New Kensington during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority ***or*** Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical pretreatment standards, ***including Best Management Practices.*** In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported. However, the Municipal Sanitary Authority of the City of New Kensington may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such facts as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. ***Any categorical industrial users subject to Best Management Practice requirements shall submit information on compliance with the applicable Best Management Practice, even if the industrial user's permit does not require such reports.***

4. Incorporate BMP Requirements in Permits

Section 4.2.5 – Permit Conditions

(l) – Other conditions as deemed appropriate by the Municipal Sanitary Authority of the City of New Kensington, ***including requirements for implementation of Best Management Practices and reporting of information on compliance with the Best Management Practices.***

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5. Best Management Practices Recordkeeping

Section 4.6 – Recordkeeping Requirements

(2) Any Industrial User subject to the reporting requirement established by Section 4.3 of this Ordinance shall be required to retain for a minimum of three (3) years any records of monitoring activities and results, ***or Best Management Practices, including records of compliance with the Best Management Practices*** (whether or not such monitoring activities, ***or Best Management Practices*** are required by this Section) and shall make such records available for inspection and copying by the Director, Regional Administrator and the Municipal Sanitary Authority of the City of New Kensington. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User, or when required by the Director, the Regional Administrator, or the Municipal Sanitary Authority of the City of New Kensington.

(3) - Any POTW to which reports are submitted by an Industrial User pursuant to Section 4.2.2, 4.3.2 and 4.3.3 of this Resolution, shall retain such reports, ***including documentation associated with any Best Management Practices, or information on compliance with the Best Management Practices***, for a minimum of three (3) years and shall make such reports, ***or documentation*** available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

6. Grab / Composite Sampling Requirements

Section 4.2.5 – Permit Conditions

(f) Specification for monitoring programs, which may include sampling location, frequency of sampling, number, ***and*** types and standards for test and reporting schedules. ***Both categorical and non-categorical significant users are required to conduct appropriate grab and composite sampling, even in the absence of a permit.***

7. Representative Sampling

Section 4.2.2 – Permit Application

(K) – Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of the Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended. Laboratory analysis must be attached and submitted with the application. ***Sampling for all reports, including reports from both categorical users and significant non-categorical users, must be representative of conditions occurring during the reporting period.***

4.3.1 – Measurement of Pollutants

(2) The industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. ***Sampling for all reports, including reports from both categorical users and significant non-categorical users, must be representative of conditions occurring during the reporting period.***

Section 4.3.4 – Compliance Report Deadline

Within 90 days following the date for final compliance with applicable Categorical Pretreatment standards or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements, ***including Best Management Practices,*** shall submit to the Municipal Sanitary Authority of the City of New Kensington a report containing the information described in ***Section 4.3.1*** of this Ordinance. ***Sampling for all reports, including reports from both categorical users and significant non-categorical users, must be representative of conditions occurring during the reporting period.***

PROPOSED CHANGES TO THE MSANK PRETREATMENT PERMITS

8. Require SIUs to notify of changes affecting potential for slug discharges.

Permit Section 4.9 – Notification of Changed Discharge

All industrial users of the wastewater system of the Municipal Sanitary Authority of the City of New Kensington shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p). ***Additionally, it is the responsibility of the industrial user to immediately report to the Municipal Sanitary Authority of the City of New Kensington any change at the industrial user's facility that affects the potential for a slug discharge.***

9. Incorporate Slug Control Requirements in Permits

(Note that the following text in italic type was already submitted to the EPA in December as proposed changes to the pretreatment permit language. Required revisions to this text appear in bold, italic type).

Slug or Accidental Discharges

Each industrial user shall provide protection from accidental or slug discharges of prohibited materials or other substances regulated by this

Permit. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the owner or industrial user's own cost and expense. Detailed plans showing facilities and a complete description of the operating procedures implemented to provide this protection shall be submitted to MSANK upon request.

Review and approval of such plans and operating procedures shall not relieve the Permittee from the responsibility to modify the industrial user's facility as necessary to meet the requirements of the permit.

A complete description of operating procedures must include, but not be limited to the following:

1. A listing of all stored chemicals, including the type and nature of chemicals, maximum quantity stored and any safety procedures to be followed if an accidental discharges occurs;

2. A description of discharge practices, including non-routine batch discharges, and

3. A description of procedures to prevent adverse impact from accidental or slug discharges, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, employee training, building of containment structures or equipment for emergency purposes.

For any industrial user that is required to develop and submit a slug control plan, the requirements of such slug control plan shall be specifically incorporated by reference as a condition of compliance with the permit. Implementation of the slug control plan is a requirement of the industrial user's permit.

Notifications

In the case of an accidental or slug discharge or any discharge that could cause problems at the MSANK sewage treatment plant, it is the responsibility of the industrial user to immediately telephone and notify MSANK personnel of the incident. The notification shall include the location of discharge, type of waste discharged, concentration and volume of the waste discharged and corrective actions.

Hatch Mott MacDonald

Within five days following an accidental or slug discharge, the industrial user shall submit to MSANK a detailed written report describing the cause of the discharge and the measures taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the industrial user of any fines, civil penalties or other liability that may be imposed by the permit or other applicable law.

Control Authority Review

MSANK shall, at least once every two years, evaluate whether each industrial user will be required to develop a plan to control accidental or slug discharges.

10. Incorporate BMP requirements in Permits

The Permittee is responsible to implement applicable Best Management Practice based categorical standards or local limits stipulated in the permit, including Slug or Spill Control Plans. *The Permittee is required to report on compliance with applicable Best Management Practice based categorical pretreatment standards or local limits stipulated in the permit. A self-monitoring report that does not include required information on an applicable Best Management Practice or other required notification, such as notification of the discharge of hazardous waste or a change in the potential for a slug discharge, will be considered an incomplete report, subject to enforcement action.*

Thank you for your review and consideration of these proposed changes to the MSANK pretreatment program. If you have any questions regarding these matters, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T 412.497.2912 F 412.497.2901
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cc: Joseph Ditty – MSANK
Daniel H. Rowe, Jr. – MSANK
Stephen B. Polen, P.E. – HMM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 0 3 2007

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I have completed review of the December 28, 2006 letter from your consultant, Ms. Linda French, which provided the draft revisions of the Authority's pretreatment program intended to address the required changes from EPA' streamlining amendments. My review comments are enclosed. Based on the review, the submission will need to be revised before it will be acceptable for approval. Note that there are a number of changes that will be required to the Authority's Rules and Regulations. It is recommended that a draft of the revisions to the regulations be submitted for review prior to adoption by the Authority. To speed the review, we are requesting that any draft revisions highlight the changes that are being made. Once the Authority's Rules and Regulations are revised to incorporate any changes, the changes will also need to be adopted by all of the municipalities served by the Authority's treatment plant to ensure that the legal authority throughout the entire service area is acceptable. Only after adoption by all of the municipalities will EPA be able to approve the revisions.

Please provide a draft of the revised regulations when available. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator
NPDES Permits and Enforcement (3WP41)
Water Protection Division

Enclosure

cc: Stephen Balta, PADEP Southwest Region (w/o enclosure)

Required Streamlining Revisions Review Checklist - New Kensington

On December 28, 2006, the Municipal Sanitary Authority of the City of New Kensington (MSANK) submitted draft modifications of its pretreatment program to incorporate changes that are required as a result of EPA's revision of the General Pretreatment Regulations on October 14, 2005 (streamlining revisions). This review evaluates the modification submission as well as the legal authority, and discusses the recommended and required changes to the submission that will be necessary prior to formal approval by EPA. In the discussion, use of the word "recommended" indicates a change that is recommended although not required, while use of the word "required" or "must" indicates a change that is required. A checklist summarizing the required and recommended changes is attached at the end of this review. The numbers in each section of the discussion refer to the numbers on the checklist.

Legal Authority

2. Require SIUs to notify of changes affecting potential for slug discharges

Section 4.2.9 of the Authority's Rules and Regulations requires that users notify the Authority of any changes at the facility which result in new or changed discharges. Section 2.8 of the Rules and Regulations requires users to provide protection from spills and slug discharges. However, based on the streamlining revisions, users are now required to notify the Authority of any changes at the facility that affect the potential for slug discharges, even if it is not anticipated that a discharge would normally occur based on the facility changes. This notification allows the Authority to assess whether additional measures are needed to minimize the potential for slug discharges, or whether an existing slug control plan should be amended based on the facility changes. Since the Authority's Rules and Regulations do not currently require this notification, they **must** be revised.

In addition, the notification requirement will need to be included in the user permits. Section 4.2.5(12) of the Authority's Rules and Regulations authorizes it to include "Other conditions as deemed appropriate ... to ensure compliance with this Resolution." This language would probably be sufficient to allow the Authority to include this notification requirement in permits once the regulations have been amended to require the notification. However, while Section 4.2.5(11) specifically authorizes the Authority to incorporate requirements in the permit for notification of slug discharges, there is no specific authorization to include requirements in the permit for notification of changes that affect the potential for slug discharges. Since the Authority must incorporate this notification requirement in the user permits, it is **recommended** that Section 4.2.5 of the regulations be revised to provide specific authorization to include requirements in the permit for notification of changes that affect the potential for slug discharges.

3. Incorporate Slug Control Requirements in Permits

Section 4.2.5(12) of the Authority's Rules and Regulations authorizes it to include "Other conditions as deemed appropriate ... to ensure compliance with this Resolution." This is probably sufficient to allow the Authority to include applicable slug control requirements in user

permits, especially since Section 2.8 of the regulations requires users to provide protection from slug discharges. However, while Section 4.2.5(11) specifically authorizes the Authority to incorporate requirements in the permit for notification of slug discharges, there is no specific authorization to include requirements in the permit for development or implementation of slug control measures. Since the Authority is required to incorporate slug control requirements in the user permits where needed, it is **recommended** that Section 4.2.5 of the regulations be revised to provide specific authorization to include requirements in the permit for development and implementation of slug control measures.

4. Require Best Management Practice (BMP) Compliance Information in Monitoring Reports

The streamlining revisions amended 40 CFR 403.12(b), (d) (by reference), (e), and (h) to require that categorical and other significant users include information on compliance with applicable BMPs in these monitoring reports. Section 4.2.2 of the Authority's Rules and Regulations requires submission of a permit application, which in combination with Section 4.3.1, serves as the requirement for the baseline monitoring report required by 403.12(b). In recent years, EPA has promulgated effluent guidelines which require implementation of BMPs in addition to or in lieu of numerical limitations. While Section 4.2.2 requires submission of sampling data to demonstrate compliance with applicable standards, and requires submission of a certification of compliance or noncompliance with the standards, it does not specifically require the submission of information needed to demonstrate compliance with a BMP, and therefore it **must** be revised to include this requirement.

Section 4.2.2(12) of the Authority's Rules and Regulations requires submission of sampling data "where known". Since this section of the Resolution is serving in part as the requirement for the baseline monitoring report and EPA's requirements for the baseline monitoring report require submission of the sampling data in all cases and not just where it is known, this provision **must** also be revised to eliminate the words "where known".

Section 4.3.4 of the Authority's Rules and Regulations requires submission of a compliance report by users subject to categorical standards within 90 days of the compliance date of the standard. However, this provision requires a report containing information required in Section 4.3 of the Resolution while Section 4.3 includes several different reporting requirements, so it is unclear exactly what information is required. It appears that the reference should be to Section 4.3.1 which includes the sampling requirements for the baseline monitoring report. In any case, neither Section 4.3.1 nor any other part of Section 4.3 specifically requires the submission of information needed to demonstrate compliance with a BMP, and therefore it **must** be revised to include this requirement. Note that revision of Section 4.3.4 to reference Section 4.3.1, and revisions of Section 4.3.1 to require compliance information for BMPs would address this issue.

Section 4.3.2 of the Authority's Rules and Regulations requires that categorical users submit self-monitoring reports "indicating the nature and concentration of pollutants in the effluent" of the permitted user. While Section 4.2.5(6) of the Authority's Rules and Regulations

allows it to include specifications for monitoring programs in the permits, and Section 4.2.5(12) allows the Authority to include other conditions as necessary, none of these provisions require the users to submit this compliance information in the absence of the permit. At a minimum, the Authority's regulations **must** require that categorical users subject to BMP requirements submit information on their compliance with applicable requirements even if the permit does not require such reports.

Section 4.3.3 of the Authority's Rules and Regulations requires that non-categorical users submit self-monitoring reports including "a description of the nature, concentration, and flow of the pollutants" required to be reported by the permitted user. Again, while Section 4.2.5(6) of the Authority's Rules and Regulations allows it to include specifications for monitoring programs in the permits, and Section 4.2.5(12) allows the Authority to include other conditions as necessary, none of these provisions require the users to submit this compliance information in the absence of the permit. At a minimum, the Authority's regulations **must** require that categorical users subject to BMP requirements submit information on their compliance with applicable requirements even if the permit does not require such reports. Note that slug control plans would fall within the definition of a BMP, and so the Authority has actually required implementation of BMPs at the local level.

5. Incorporate BMP Requirements in Permits

Section 4.2.5(12) of the Authority's Rules and Regulations authorizes it to include "Other conditions as deemed appropriate ... to ensure compliance with this Resolution." This is probably sufficient to allow the Authority to include applicable BMP requirements in user permits. However, while Section 4.2.5(1) specifically authorizes the Authority to incorporate effluent limits in the permit, and Section 4.2.5(8) allows the Authority to incorporate requirements for submission of technical reports or discharge reports, there is no specific authorization to include requirements in the permit for implementation of BMPs or for the reporting of compliance information related to BMPs. Since the Authority is required to incorporate applicable BMP requirements in the user permits, it is **recommended** that Section 4.2.5 of the regulations be revised to provide specific authorization to include requirements in the permit for implementation of BMPs and reporting of information on compliance with BMPs.

6. BMP Record Keeping

The streamlining revisions amended section 403.12(o) to specifically note that "documentation associated with Best Management Practices" must be maintained for at least 3 years by both the industrial user and the POTW. Section 4.6(2) of the Authority's Rules and Regulations requires users to "maintain records of all information resulting from any monitoring activities required by Section 4.3 of this Resolution." Section 4.6(3) of the Authority's Rules and Regulations requires it to maintain copies of reports submitted pursuant to Sections 4.2.2, 4.3.2, and 4.3.3. After revision of the regulations to require reporting on BMP requirements, this provision would probably be sufficient to require that BMP records be maintained by the user, since the evaluation and reporting of BMP compliance activities by the user should be considered a "monitoring activity." However, in order to ensure that the requirement is clear, it is

recommended that this section be revised to specifically note that BMP records must be maintained. Since the Authority must also maintain the report required by Section 4.3.4, any other reports of "monitoring activity", and any the results of "monitoring activity" conducted by the Authority, the POTW record keeping provision is deficient and Section 4.6(3) **must** be expanded to include all of these requirements. It is also **recommended** that Section 4.6(3) be revised to specifically address the requirement to maintain BMP records.

8. Grab/Composite Sampling Requirements

Section 4.3.1(3) of the Authority's Rules and Regulations requires the collection of four grab samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics, and 24-hour flow-proportioned composite samples for all other pollutants. While it is not completely clear what reporting requirements this section refers to, several subparts of this section specifically refer to the baseline monitoring report and the introductory language to the section refers to 403.12(b)(5) which is part of EPA's baseline monitoring report requirements. EPA's streamlining revisions (403.12(g)(3)) applied the requirement for grab and composite sampling to all self-monitoring reports for both categorical and significant non-categorical users, although for periodic self-monitoring reports, there is no specific number of grab samples required. (Note, however, that for any pollutants where the local limits are expressed as instantaneous maximum limits, grab sampling is still appropriate for determining compliance with those instantaneous maximum limits, although monitoring frequencies may need to be increased to ensure that sampling is representative of the discharge.) While Section 4.2.5(6) of the Authority's Rules and Regulations allows it to include specifications for monitoring programs in the permits, and Section 4.2.5(12) allows the Authority to include other conditions as necessary, none of these provisions require the users to follow the grab and composite sampling requirements in the absence of the permit. Therefore, the Authority's regulations **must** be revised to require that significant users conduct appropriate grab/composite sampling even in the absence of a permit. As noted above, the requirement for four grab samples applies only to the baseline monitoring report and 90-day compliance report, and the Authority would be required to determine the appropriate number of grab samples for the routine self-monitoring.

11. Representative Sampling

Section 4.4.1(3) requires that the periodic self-monitoring reports required by Sections 4.3.2 and 4.3.3 include sampling data that is representative of normal conditions. However, Sections 4.2.2, 4.3.1, and 4.3.4 also require sampling data but do not require that the data be representative of normal conditions. 40 CFR 403.12(g)(3) now requires that sampling for all reports, including reports from both categorical users and significant non-categorical users, be representative of "conditions occurring during the reporting period." Since the Authority's Rules and Regulations do not require the submission of data that is representative for all of the reports, they **must** be revised.

Proposed Permit Language Revisions

2. Require SIUs to notify of changes affecting potential for slug discharges

The Authority's submission includes proposed permit language that would require users to provide notification in the event of a spill or slug. This is appropriate, but does not address the need for users to report facility changes that affect the potential for slug discharges as required by 403.8(f)(1)(ii)(B)(6). The proposed permit language **must** be revised to include this notification language.

3. Incorporate Slug Control Requirements in Permits

The Authority's submission includes proposed permit language that would require users to provide protection from spills and slugs, and to submit a description of the procedures if requested by the Authority. However, 403.8(f)(2)(vi) requires that user permits incorporate any applicable slug control requirements. This means that for those users that have been required to develop and submit slug control plans, the user permit would need to incorporate the requirements of the plan (incorporation of the plan by reference is probably the most appropriate method) and require implementation of the plan. Therefore the proposed permit language **must** be revised.

5. Incorporate BMP Requirements in Permits

The Authority's submission includes proposed permit language that would require users to report on compliance with applicable BMPs. However, 403.8(f)(1)(iii)(B)(3) requires that the permits incorporate any applicable BMPs. As with the slug control requirements, the permit would specifically incorporate the BMP requirements and require implementation. Note that requirements such as the toxic organic management plan under the metal finishing regulations (or slug/spill plans) would be considered BMPs and would need to be incorporated into the user's permit. In effect, any requirement for the user must be specifically incorporated into the permits. Since the proposed permit language does not provide for incorporation and implementation of BMP requirements, it **must** be revised.

Required Streamlining Provision	Revision			Comments
	None	Rec	Req	
1. Conduct slug control inspections:				
▸ Legal authority authorizes POTW to conduct inspections of entire facility?	X			Section 4.5
▸ Procedures include slug inspections for existing SIUs by 10/14/06?	X			Completed in 2006
2. Require SIUs to notify of changes affecting potential for slug discharges:				
▸ Legal authority specifically requires notification?			X	Section 4.2.9
▸ Legal authority specifically allows incorporation of notification in permits?		X		Section 4.2.5(12)
▸ IU Permit language requires notification?			X	Proposed language requires notification of slug but not of facility changes
3. Incorporate slug control requirements in IU permits:				
▸ Legal authority specifically allows incorporation of slug requirements?		X		Section 4.2.5(12)
▸ IU permit language provides for incorporation of required slug plans?			X	Proposed language requires submission of plan if requested
4. Include BMP compliance information in BMR, 90-day report, and self-monitoring reports:				
▸ Legal authority requires submission of BMP compliance information by IUs?			X	Sections 4.2.2(11) & (12), 4.3.2(1), 4.3.3, 4.3.4
▸ ERP addresses violations of BMP requirements?	X			Previously approved

Required Streamlining Provision	Revision			Comments
	None	Rec	Req	
5. Incorporate BMP requirements in IU permits:				
▸ Legal authority specifically allows incorporation of BMP requirements?		X		Section 4.2.5(12)
▸ IU permit language provides for incorporation of BMP requirements?			X	Language requires reporting on BMPs
6. BMP record keeping:				
▸ Legal authority requires POTW and IU to maintain records on BMP requirements?			X	Section 4.6
7. Expand SNC definition for violations of pretreatment standards and requirements:				
▸ Legal authority definition need to be revised?	X			Draft revision # 5
▸ ERP definition need to be revised?	X			Previously approved
8. Grab/composite sampling requirements apply to all SIUs and NSCIUs:				
▸ Legal authority applies sampling requirements to all SIUs (and NSCIUs)?			X	Sections 4.3.1(3), 4.3.2, 4.3.3, 4.3.4
9. Repeat sampling by POTW if no self-monitoring required:				
▸ Program procedures provide for POTW resampling in the event of a violation and no IU self-monitoring is required?	X			N/A
10. Non-categorical SIUs must report all sample results:				
▸ Legal authority requires all SIUs (and NSCIUs) to report all sample results?	X			Section 4.4.1(5)

Required Streamlining Provision	Revision			Comments
	None	Rec	Req	
11. Sampling for self-monitoring reports must be representative:				
▸ Legal authority requires sampling at all SIUs (and NSCIUs) to be representative?			X	Sections 4.4.1(3), 4.2.2, 4.3.1, 4.3.2, 4.3.3, 4.3.4

Hatch Mott MacDonald

Gateway View Plaza, 1600 W. Carson St.
Pittsburgh, PA 15219-1031
T 412.497.2900 www.hatchmott.com

December 28, 2006

Mr. John Lovell
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

JAN 4 2007

RE: Municipal Sanitary Authority of the City of New Kensington
NPDES Permit No. 0027111
Request for Pretreatment Program Modification
To Address Provisions Of The Streamlining Rule

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), this submission is intended to request your review of proposed modifications to the pretreatment program to address the changes required by the new Streamlining Rule, pursuant to 40 Code of Federal Regulations, Part 403.18.

The following is intended to outline the provisions of the Streamlining Rule and address the applicability of each provision to the MSANK pretreatment program. The proposed revisions to the pretreatment program are being submitted for your review and approval, prior to MSANK adoption by resolution in early 2007.

Thank you for your consideration of these proposed changes. If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

LF/iw
Enclosure

cc: Joseph Ditty – MSANK
Daniel H. Rowe, Jr. – MSANK
Stephen B. Polen, P.E. – HMM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 21 2006

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I am pleased to approve the modifications to the enforcement response plan of the New Kensington pretreatment program in accordance with the General Pretreatment Regulations (40 C.F.R. 403). Since revisions to the enforcement response plan are considered non-substantial program modifications, no public notice of this action was necessary. The specific document that is the subject of this approval is the Enforcement Response Plan Update - Revised November 2006, which was submitted on November 7, 2006 by Ms. Linda French.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The pretreatment program that The Municipal Authority of the City of New Kensington implements must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact John Lovell at 215-814-5790.

Sincerely,

David McGuigan, P.E.D.
Associate Director
Water Protection Division

cc: Stephen Balta, PADEP Southwest Region

John Lovell/R3/USEPA/US
12/11/2006 09:27 AM

To jditty@msank.org
cc linda.french@hatchmott.com
bcc
Subject New Kensington ERP

I reviewed the ERP that was revised November 2006 and submitted 11/7/06. It looks like it addressed all of the comments that I had, so I'm planning on sending through a formal approval. That has to be signed by our Office Director, so it may take a few days, but I wanted to let you know that it was in the works and hopefully you'll receive the official approval sometime next week.

Hatch Mott MacDonald

Gateway View Plaza, 1600 W. Carson St.
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November 7, 2006

Mr. John Lovell
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
NPDES Permit No. 0027111
Enforcement Response Plan Update
Response to EPA Review Comments

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed one (1) copy of the Enforcement Response Plan (ERP) Update, which has been revised to address the comments referenced in your letter dated October 17, 2006. A description of the ERP revisions follows.

Section 4.1- Self-Monitoring Procedures

Section 4.1 of the ERP has been revised to include the option for self-monitoring on a semi-annual basis, in addition to a monthly, bimonthly and quarterly basis.

Section 6.0 – Investigation of Noncompliance

Section 6.0 of the ERP has been revised to establish procedures for investigating unknown sources of discharges that are impacting the treatment plant or collection system. The procedures include identification of key locations within the sewer system that could be used to systematically track the source of a discharge either through visual identification of the pollutant or by collecting samples. The process that MSANK would follow to trace the unknown discharges has also been established.

Section 8.0 Administrative Enforcement Responses

Section 8.0 has been revised to delete the phrase…"*if a violation is determined to be significant*".

Attachment 1 – Facility Sample Report Form

When the pretreatment coordinator conducts sampling of an industrial discharge, the actual start and end times of the sampling event will be recorded on the form to better document the time and length of the sample collection period.

Hatch Mott MacDonald

Attachment 2 – Facility Inspection Form

The Facility Inspection Form has been modified to include the additional questions referenced in the EPA letter. At this time, the questions have been added as an additional page to the original inspection form. A description of the additions follows.

If the facility contact person is not available at the time of the MSANK inspection, or if there are additional people present during the inspection, the individuals present during the inspection will be documented on the form.

MSANK has modified the inspection form to include the question of whether the facility has a Slug Control Plan in addition to the question of whether a facility has a PPC Plan. The form has been modified to ask whether the user has a slug control plan, and if not, specifically indicate whether the user needs a slug control plan. These questions will be used to document the slug control evaluation required under the general pretreatment regulations.

The form has also been modified to ask whether there are any non-routine batch discharges that were not considered during the permitting process, and if so, how the user handles the discharges.

The form has been modified to ask whether the sampling point includes all wastewater, and if not, what wastewater streams are not included. The form has been modified to include a question regarding whether the sampling equipment is appropriate and in good working order. This will be used to evaluate whether the composite sampler is appropriate, or for grab samples, whether samples were collected using appropriate equipment.

The form has been modified to include a section on evaluating whether the housekeeping practices at a facility are good, fair or poor.

The form has been modified to include a question on generation and disposal of hazardous waste, along with a review of waste manifest forms for any materials sent off site, including wastewater.

In the event that wastewater is hauled off-site to another POTW, MSANK will advise EPA of this occurrence so that an evaluation whether the wastewater needs to be regulated when it is discharged to another POTW can be made.

The form has been modified to include a section on review of the user's records, including waste manifest, and self-monitoring records.

Attachment 4 – Enforcement Policy

Under MSANK's Enforcement Policy, the Authority Board decides and issues penalties. MSANK will now document the recommendations for penalties and the reasons for not issuing a penalty in the user's file. Since the decision not to issue a fine may be in conflict with the ERP, the reasons for deviating from the plan will be documented.

Hatch Mott MacDonald

Attachment 5 – Enforcement Response Guide

The Enforcement Response Guide has been modified per your comments. A Cease and Desist Order has been added an enforcement response for any instance where the nature of the violation includes harm to the environment.

Also, for discharge limit violations that are recurring, but where there is no harm, an Administrative Compliance Order has been added as an enforcement response.

The guide has been revised such that "non-significant" reporting violations are defined as those reports that are 30 days or less late.

A general violation of "incomplete report" has been added to address non-effluent type violations. This will be used to address reports that do not include required information on an applicable Best Management practice. Another violation that would be addressed would be the requirement for "other notifications" such as the discharge of hazardous waste or the requirement to notify of a change in the potential for slug discharges.

For "Failure to Monitor Correctly" violations, a violation type has been added that addresses failure to monitor as required. For example, using a composite sampler for pollutants required to be monitored by grab sample.

Attachment 6-Examples of Enforcement Actions

The wording in the Administrative Compliance Order and the Cease and Desist Order has been revised to reflect differences regarding whether the action is a notice or an order.

The wording in the Notice of Violation has been changed to "*within thirty (30) days following receipt of the Notice of Violation, the user shall submit an explanation of the causes of the violations and description of the steps taken to correct the violation and ensure that it does not recur. Where the violation cannot be corrected within the thirty-day period, the user shall submit a corrective action plan…*

The final paragraph of the "Order" section of the Administrative Compliance Order has been revised to delete the requirement for the order to be mailed by certified mail to be consistent with the Cease and Desist Order.

The first paragraph of the Order section of the Cease and Desist Order has been revised to add the words "*and requirements of the authority's rules and regulations*."

The sixth paragraph of the "Findings" section of the Notice of Termination of Service has been modified to require a listing of the notices and orders that had previously been issued for the violations in question to demonstrate all of the opportunities that the user has had to correct the violation.

The words "*in violation*" have been deleted from the first paragraph of the Notice section of the Notice of Termination of Service. This is intended to require the user to halt the entire discharge, not just part of the discharge in violation.

Hatch Mott MacDonald

Attachment 7 – Minimum Fine Schedule

Footnote A of the Minimum Fine Schedule has been revised to include the definition of significant noncompliance to reflect EPA's revised definition in 40 CFR 403.8(f)(2)(viii).

The definition will also be revised in the Authority's rules and regulations at a later date.

The copy of the revised plan is being submitted for your review and approval. If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

Enclosure

cc: Joseph Ditty – MSANK
Daniel H. Rowe, Jr. – MSANK
Stephen B. Polen, P.E. – HMM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 17 2006

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: Pretreatment Program
NPDES No. PA0027111

Dear Mr. Ditty:

I have reviewed the proposed revisions to the Authority's enforcement response plan (ERP) submitted by your consultant, Ms. Linda French, on September 12, 2006. Based on my review of the ERP, I have several comments as discussed below.

Section 4.1 of the ERP indicates that self-monitoring will be conducted on a monthly, bimonthly, or quarterly basis. This is acceptable. However, the Authority may want to add semiannual monitoring in the event that it ever believes that semiannual monitoring is appropriate for a given user. As currently written, reducing self-monitoring below quarterly for any of the significant users would mean that the Authority was in violation of its approved program requirements. Including the option of semiannual monitoring would not require the Authority to reduce any monitoring requirements for the users, but would allow the Authority to choose this option if appropriate.

Section 6.0 of the ERP discusses the Authority's response in the event of emergency and non-emergency situations. However, the discussion in both of these sections assumes that the Authority knows the source of the discharge. The ERP should also establish procedures for investigating unknown sources of discharges that are impacting the treatment plant or collection system. The procedures could include identification of key manholes, pump stations, or other areas in the system that could be used to systematically track the source of a discharge either through visual identification of the presence of a pollutant or collection of samples, and discuss the process the Authority would use to trace the unknown discharges.

Section 8.0 indicates that, "If a violation is determined to be significant, the Pretreatment Coordinator selects the most appropriate response that is proportionate to the violation..." However, this section does not describe the approach if the violation is not considered to be significant. Since it seems that the Pretreatment Coordinator would be the one to select the appropriate enforcement response based on the ERP, it may be best to simply delete the phrase, "If a violation is determined to be significant."

Attachment 1

The Facility Sample Report Form included in Attachment 1 of the ERP allows recording of the sampling time and the length of the sample for composite samples. This is sufficient for documentation of the length of a composite sample. However, it is recommended that the actual sample start and end times be recorded on the form to better document the precise length and time of the sample.

Attachment 2

Attachment 2 of the ERP includes the Facility Inspection Form. Page 1 of the form includes a place to indicate the contact person for the facility. However, if the contact person is not available during the inspection for any reason, or if there are additional people present at the inspection, the form should also include a place to document the facility personnel that were present during the inspection.

Page 2 of the inspection form asks whether the facility has a PPC plan, and whether it needs changes. This is acceptable, but note that a PPC plan is not generally the equivalent of the slug control plan that may be required under the General Pretreatment Regulations.

Page 3 of the form includes a place for the total process wastewater flow and a place to indicate whether a sketch of the process areas has been provided. It is sometimes necessary to have a breakdown of the flow from each process for things such as the combined wastestream formula, and therefore it is recommended that the inspection form have a place for recording the process flows from each operation. An alternative would be to make sure that the sketch of the process areas includes the flows from the individual processes.

Beginning on the bottom of page 3 and continuing onto page 4 are a few questions regarding spill control. The General Pretreatment Regulations require that the Authority conduct a slug control evaluation at each significant user. While a spill would generally be considered a slug discharge, a slug discharge is not necessarily a spill. For example, if a process tank or other raw material became contaminated, the user might discharge it to the sewer in order to dispose of it. This would probably not be considered a spill, but could be considered a slug discharge. Essentially, a slug discharge could be any non-routine batch discharge that was not considered as part of the permitting process. Therefore, the inspection form should ask whether there are any non-routine batch discharges, and if so, how the user handles them. The inspection form should also ask whether the user has a slug control plan, and if not, specifically indicate whether the user needs a slug control plan. This can also serve to document the slug control evaluation required of the Authority.

Page 6 of the inspection form includes several questions on the user's sampling procedures. It is recommended that a question be added regarding whether the sample point includes all wastewater, and if not what wastestreams are not included. In addition, it is probably appropriate to include a question regarding whether the sampling equipment is appropriate and in good working order. This could be used to evaluate whether the composite sampler is appropriate, or for grab samples whether samples are collected using appropriate equipment. It may be useful to also observe the facility collecting samples periodically to ensure that it is done

correctly.

Finally, there are a few other areas that might be appropriate to address in the inspection report. The general housekeeping at a facility can be a good indicator of the attention to pollution control by the facility and whether other compliance issues will surface as well. A general question on whether housekeeping is good or poor can help document that assessment. Since the users are required to report any discharge of hazardous waste into the system, a question on generation and disposal of hazardous waste is recommended, along with a short review of waste manifest forms for any materials sent off site (including wastewater). Note that if wastewater is hauled off site to another POTW, we would like to be made aware of that, since that wastewater may need to be regulated when it is discharged to another POTW. Finally, a review of the user's records (e.g., waste manifests, self-monitoring records) is recommended as well.

Attachment 4

Attachment 4 includes the Authority's enforcement policy. Under the policy, it is the Authority Board that decides on and issues penalties for user violations. Item 7 discusses the staff response if the Board decides not to issue a penalty. This section should also indicate that the recommendation for penalties and the reasons for not issuing the penalty will be documented in the user's file. Since the decision to not issue the penalty may be in conflict with the approved ERP, the reasons for deviating from the plan should be documented.

Attachment 5

Attachment 5 includes the enforcement response guide. In general the guide is acceptable, although I do have a few comments. There are several potential violations that are listed with the possibility of harm to the environment or POTW. In these cases, it is important that the discharge be halted quickly, and therefore it seems that a cease and desist order might be appropriate. Note that the cease and desist order can be for a specific process discharge or chemical rather than for the entire process discharge. For example, if a user discharges a solvent that causes a problem in the collection system, the user can be ordered to cease the discharge of the solvent. A more permanent action, such as a prohibition in the user's permit may be appropriate, but the cease and discharge order could be used until the more permanent solution can be implemented. It is recommended that for any instance where the nature of the violation includes harm to the environment or POTW that a cease and desist order be listed as one of the enforcement options.

For discharge limit violations that are recurring but where there is no harm, it is recommended that the enforcement options include an administrative compliance order. The discussion in the ERP seems to indicate that if the NOV does not result in compliance, that an administrative order would be the next step in escalation. Since an NOV would be issued for the first violation, it seems that the order would be appropriate for recurring violations.

The guide defines reporting violations that are isolated and not significant as those that are less than 5 days late and reporting violations as significant if they are more than 30 days late. However, it does not seem to address reports that are more than 5 days late but less than 30 days

late. It is recommended that "not significant" reporting violations be defined as those reports that are less than 30 days late. Note that the Authority does not need to wait the entire 30 days to issue the initial NOV.

In addition, it is recommended that the Authority add two other general reporting violations to the reporting section of the guide. First, the Authority should add a general "incomplete report" violation to address non-effluent type violations. Among other things, this could be used to address reports that do not include required information on an applicable best management practice (BMP). Note that in response to the streamlining regulations, the Authority's ERP must address violations of BMP requirements even if there are no current BMP requirements for the users. Another general violation type that should be addressed would be "other notifications". This could be used to address things such as the notification on the discharge of hazardous waste, or the requirement to notify of changes in the potential for slug discharges. Since there are a number of notification requirements in the General Pretreatment Regulations, use of a general category of notification violations is usually appropriate to ensure that the guide covers all potential violations.

For "failure to monitor correctly" violations, the Authority lists failure to monitor all pollutants and recurring failure to monitor. There should also be a violation type that addresses failure to monitor as required (e.g., using a composite sampler for pollutants required to be monitored by grab sample). An alternative would be to include a violation where there is no evidence of intent under "improper sampling."

Attachment 6

Attachment 6 provides examples of various enforcement actions. While these documents should be tailored to suit the Authority's needs and legal authority, I have several comments. All of the administrative actions appear to use the same wording under "Legal Authority." While there is no need to change the wording significantly, the wording should reflect differences regarding whether the action is a notice or an order. The documents all start off by saying that "...findings are made and *notice* issued..." For the administrative compliance order and cease and desist order, this should probably say "...findings are made and *order* issued..." In addition, the last sentence in this section states, "This *order* is based on findings..." For the notice of violation and the notice of enforcement action, this should probably state, "This *notice* is based on findings..."

In the Notice of Violation, the second paragraph of the notice states, "The industrial user shall have a period of thirty (30) days following receipt of this Notice of Violation to correct the deficiency or violation, and/or submit..." The language at the beginning of this sentence could be interpreted to "forgive" the violations for the thirty day period, and should therefore be revised. In addition, although the narrative portion of the ERP indicates the NOV will require the user to explain the causes of the violation, the NOV itself does not appear to actually do this. Therefore, language such as the following is recommended for the NOV.

> *Within* thirty (30) days following receipt of this Notice of Violation, *the user shall submit an explanation of the causes of the violation(s) and a description of the*

steps taken to correct the violation(s) and ensure that it does not recur. Where the violation cannot be corrected within the thirty (30) day period, the user shall submit a corrective action plan...

The final paragraph of the "order" section of the cease and desist order does not include the "mailed certified mail, return receipt requested" language that is in the "order" section of the administrative compliance order. While these types of enforcement documents should be sent by certified (or equivalent) mail, it may not be necessary to actually state that in the order itself. In either case, it is recommended that the language and process be consistent between the two orders.

The end of the first paragraph of the "order" section of the cease and desist order states, "...demonstrate that it will comply with its current permit limits." Note that the cease and desist order could be issued for reasons other than limits violations (e.g., slug discharges). Therefore, it is recommended that this wording be changed to "...its current permit limits *and requirements.*" It may also be appropriate to add a generic reference to the requirements of the Authority's Rules and Regulations, although the permit should generally incorporate the requirements of the regulations.

The sixth paragraph of the "finding" section of the notice of termination of service indicates that "...all prior notices and compliance orders have been duly delivered..." It may be appropriate to actually list the notices and orders that had previously been issued for the violation(s) in question to demonstrate all of the opportunities that the user has had to correct the violation(s).

The first paragraph of the "notice" section of the notice of termination of service requires that the user "...stop the discharge of the effluent (in violation)..." The use of "in violation" suggests that if the violation is the result of one part of the process, the user could stop part of the discharge while continuing other parts of the discharge. It is my understanding that the notice of termination of service is intended to halt the entire discharge rather than only a portion of the discharge, and therefore it is recommended that "in violation" be removed from this sentence. In order to stop a specific part of the discharge rather than the entire discharge, it may be more appropriate to use the cease and desist order.

Attachment 7

Attachment 7 includes the Authority's fine schedule. Footnote A to the fine schedule includes the definition of significant noncompliance (SNC) for chronic and TRC violations. However, this is the old definition of SNC prior to the streamlining revisions to the General Pretreatment Regulations made by EPA. In order to update the ERP for the streamlining revisions as required, the Authority must revise the SNC definition to reflect EPA's revised definition. Note that the SNC definition is now found at 40 CFR 403.8(f)(2)(viii) (rather than (vii)). Also note that the definition will need to be revised in the Authority's Rules and Regulations as well, although we can approve the ERP prior to the changes being made in the Rules and Regulations.

Please provide a response to the comments discussed above, along with a revised ERP as appropriate. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator

cc: Stephen Balta, PADEP Southwest Region (w/o enclosures)

Hatch Mott MacDonald

Gateway View Plaza, 1600 W. Carson St.
Pittsburgh, PA 15219-1031
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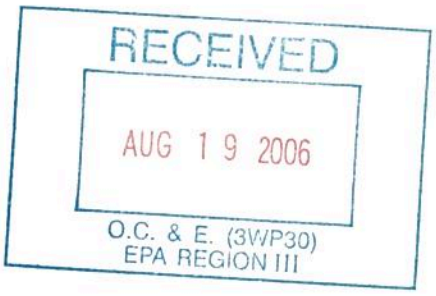
September 12, 2006



Mr. John Lovell
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Municipal Sanitary Authority of the City of New Kensington
NPDES Permit No. 0027111
Enforcement Response Plan Update

Dear Mr. Lovell:

On behalf of the Municipal Sanitary Authority of the City of New Kensington (MSANK), please find enclosed one (1) copy of the Enforcement Response Plan (ERP) Update, which is being submitted for your review and approval. This submission is intended to address one of the Audit Action Items referenced in your letter dated June 13, 2006.

The ERP has been updated to more clearly detail follow-up enforcement responses in order that MSANK can enforce the provisions of the pretreatment program in accordance with the approved ERP. The ERP has been updated to describe the types of escalating enforcement actions that will be used in response to industrial user violations, including the actions to be taken by MSANK in the event that previous enforcement actions do not result in compliance.

If you have any questions regarding this matter, please contact me.

Sincerely,

Hatch Mott MacDonald

Linda French

Linda French
Project Scientist
T412.497.2912 F412.497.2901
Linda.French@hatchmott.com

Enclosure

cc: Joseph Ditty – MSANK
Daniel H. Rowe, Jr. – MSANK
Stephen B. Polen, P.E. – HMM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 22 2006

Mr. Brian G. Shoener, P.E.
Project Manager
N.A. Water Systems
3830 Packard Road
Suite 120
Ann Arbor, MI 48108

Re: New Kensington Local Limits
NPDES No. PA0027111

Dear Mr. Shoener:

Thank you for your letter regarding the local limits for the Municipal Sanitary Authority of the City of New Kensington. Although your letter was dated March 10, 2006 and sent via UPS next day air, it was not delivered to EPA until March 17, 2006. This was after the closing of the public notice period, and the approval of the New Kensington limits was processed before your letter reached my office. For that reason, your comments were not considered in finalizing the approval of the New Kensington limits. However, after reviewing your letter, I believe that the limits would have been approved even if your comments had been submitted on time.

Your letter included three comments on the limits revisions. The first comment requested information on the source of the activated sludge inhibition criterion used for developing the limit for silver. The 0.25 mg/l inhibition criterion used by the Authority is the same as the inhibition criterion included in EPA's 1987 local limits guidance manual. While it is unclear why the silver criterion was not included in the 2004 guidance, based on my initial evaluation, it appears to have been an omission in the new guidance, and therefore the use of the inhibition criterion for silver would be appropriate.

Your second comment addressed the limits that were based on federal exceptional quality standards for land application of sludge. Your letter indicated that the Authority's sludge already meets the exceptional quality standards, and stated that the previously approved, less stringent limits were therefore already protective of the sludge disposal standards. However, a review of our files indicates users are generally in compliance with the existing local limits. Since users within the New Kensington system are discharging below the previous limits, data showing that the Authority's sludge meets the exceptional quality standards does not mean that those same exceptional quality standards would still be met if all of the users discharged at the levels allowed by the previous limits. For example, based on the sludge values listed in you letter, it appears likely that significant increases to the current levels of zinc discharged by the industrial

users that would be allowed under the previous limit would result in exceedances of the exceptional quality standard for zinc. The purpose of the local limits is to ensure that pass through and interference do not occur as long as the users comply with the standards. In developing the standards, the Authority must assume that all users may discharge the maximum allowable levels in order to ensure that pass through and interference do not occur.

Your last comment addressed whether the limits were technologically achievable. Your letter indicated that since the new local limits were more stringent than EPA's metal finishing standards, and since EPA's standards were labeled as the Best Available Technology (BAT) economically achievable for the metal finishing industry, the new local limits are not achievable. Note that a direct comparison of the limits in this way is not relevant since the limits were developed for different purposes based on different assumptions. However, commonly available treatment technology is capable of achieving consistent compliance with limits that are more stringent than the metal finishing standards. Most, if not all, approved pretreatment programs in Pennsylvania have local limits that are more stringent than the BAT limits in the metal finishing standards. Industrial users in general, and metal finishers specifically, have demonstrated that compliance with more stringent local limits can be achieved. The new local limits that will be implemented by New Kensington are similar to limits adopted by many other pretreatment programs in Pennsylvania.

As noted above, the local limits for the Municipal Sanitary Authority of the City of New Kensington have been approved. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

John Lovell
Pretreatment Coordinator

cc: Stephen Balta, PADEP Southwest Region
Joseph Ditty, Municipal Sanitary Authority of the City of New Kensington
Larry Vogel, Keystone Rustproofing

FROM:
AMY MOVAHHED
(734) 973-0700
N.A. WATER SYSTEMS
3830 PACKARD ROAD, SUITE 120
ANN ARBOR MI 48108

LTR 1 OF 1

PA 191 9-05

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JOHN LOVELL
EPA REGION III
OFFICE OF MUNICIPAL ASSIST. (3WP24)
1650 ARCH STREET
PHILADELPHIA PA 19103-2029

REF 1: 56006643

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N.A. WATERSYSTEMS

RECEIVED
MAR 20 2006
"Office of Municipal Assistance"
"EPA Region III"

March 10, 2006

Ref. No. 56006643

Mr. John Lovell
Environmental Protection Agency Region III
Office of Municipal Assistance (3WP24)
1650 Arch Street
Philadelphia, PA 19103-2029

NPDES No. PA0027111
Public Notice Number: PA-299 JML

Re: Comments offered in regards to the modifications of the pretreatment program at the Municipal Sanitary Authority of the City of New Kensington, New Kensington, Pennsylvania

Dear Mr. Lovell,

The following comments are submitted by N.A. Water Systems (N.A.WS) on the behalf of Keystone Rustproofing. These comments are offered in regards to the modifications of the pretreatment program for the Municipal Sanitary Authority of the City of New Kensington (MSANK), 120 Logans Ferry Road, New Kensington, Pennsylvania 15068-2046. Keystone Rustproofing is an industrial user within the MSANK jurisdiction.

1. In the Attachments included with MSANK's March 2005 submittal to the EPA, the activated sludge inhibition criteria for silver is stated as 0.25 mg/L. This value is not included in Appendix G of the July 2004 EPA document titled *Local Limits Development Guidance Appendices*. All other inhibition values listed come from Appendix G. The inhibition value for silver ends up being the controlling factor when calculating the local limit for silver. The silver inhibition value used appears to come from a source other than the EPA document. N.A.WS is requesting to know the source of the silver inhibition value so we can evaluate the appropriateness of the proposed silver local limit. There may be a need for the silver local limit to be re-evaluated.

2. The March 2005 submittal to the EPA indicates the Authority's desire to adopt three (3) sets of local limits based on the following: no sludge criteria, non-exceptional quality sludge criteria, and exceptional sludge criteria. The sludge criteria is the controlling factor for determining the

N.A. WATER SYSTEMS
3830 Packard Road, Suite 120, Ann Arbor, Michigan 48108
Tel 734-973-0700/ Fax 734-973-2904
www.veoliawatersystems.com

VEOLIA Water

local limits for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. The local limits for arsenic, cadmium, copper, lead, nickel, and zinc decreased significantly from the previously approved local limits. Below is a table comparing the current sludge concentrations in the MSANK treatment plant sludge sampled for the local limits evaluation and the corresponding Federal exceptional quality sludge criteria:

Pollutant	Average MSANK Sludge Concentration (mg/kg)	Federal Exceptional Sludge Quality Criteria (mg/kg)
Arsenic	4.34	41
Cadmium	14.1	39
Copper	858	1500
Lead	203	300
Mercury	1.60	17
Molybdenum	15.3	75
Nickel	193	420
Selenium	5.29	100
Zinc	2,780	2,800

As the table above shows, the current sludge concentrations at the plant, based on the previously approved local limits, are below the Federal exceptional quality sludge criteria. The previously approved local limits (pre-2006) are already protective of the Authority's desire to produce exceptional quality sludge in the future. Consequently, the proposed changes to the local limits for these parameters do not appear warranted.

Additionally, the proposed local limits for cadmium, copper, lead, nickel and total cyanide are below the corresponding monthly average limits for the 40 CFR 433 Metal Finishing New Source category. The March 2005 submittal to the EPA is proposing the following local limits for cadmium, copper, lead, nickel and total cyanide:

Pollutant	Pre-2006 Local Limits (mg/L)	Local Limits Requested for 2008-2015 (mg/L)	40 CFR 433 - PSNS Monthly Average Limit (mg/l)
Cadmium	0.2	0.028	0.07
Copper	3.4	0.6	2.07
Lead	2.31	0.16	0.43
Nickel	1.68	0.454	2.38
Cyanide (Total)	0.15	0.15	0.65

new limits to be effective
0.2
1.4
2.31
0.72
0.15

VEOLIA Water

According to page 6-13 of the July 2004 EPA document titled *Local Limits Development Guidance*, local limits should pass a "common sense test". One of the tests is "Are the limits technologically achievable?" This test asks if industrial users are likely to meet the proposed local limits with currently available forms of pretreatment and pollution prevention. The 40 CFR 433 limitations are based upon the Best Available Technology (BAT) economically achievable for the metal finishing industry and can be used as representative of the types of industrial users that would discharge metal-bearing waste water to a POTW.

The fact that the proposed local limits are below what the EPA has deemed "technologically and economically achievable" under 40 CFR 433 is an indication that industrial users are not likely to meet the proposed local limits. As a result, the proposed local limits for cadmium, copper, lead, nickel and total cyanide do not meet the test of being technologically achievable.

N.A.WS is requesting that the proposed local limits for arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc be re-evaluated since the pre-2006 local limits for these constituents are leading to existing MSANK sludge concentrations below the Federal exceptional quality sludge criteria. The proposed local limits for cadmium, copper, lead, nickel and total cyanide should also be re-evaluated since the proposed limits for these constituents may not be technologically achievable.

If you have any questions or comments concerning the contents of this letter, please contact Brian Shoener of N.A. Water Systems at (734) 973-0700 X 1150.

Respectfully submitted,

Brian Shoener

Brian G. Shoener, P.E.
Project Manager
N.A. Water Systems

cc: Joseph Ditty (MSANK)
Larry Vogel (Keystone Rustproofing)

BGS: anm-021

VEOLIA Water

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 2 0 2006

Mr. Joseph F. Ditty, Pretreatment Coordinator
The Municipal Authority of the City of New Kensington
120 Logans Ferry Road
New Kensington, PA 15068-2046

Re: NPDES No. PA0027111
Public Notice Number PA-299-JML

Dear Mr. Ditty:

I am pleased to approve the modifications to the local limits of the New Kensington pretreatment program in accordance with the General Pretreatment Regulations (40 C.F.R. 403). The intention to approve this modification was announced to the public on February 10, 2006, and no comments were received. A listing of the documents included in this approval is enclosed.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The pretreatment program that The Municipal Authority of the City of New Kensington implements must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact John Lovell at 215-814-5790.

Sincerely,

lee Murphy, for

Victoria P. Binetti
Associate Director for
Municipal Assistance
Water Protection Division

Enclosure

cc: Stephen Balta, PADEP Southwest Region (w/enclosure)

Documents Included in Pretreatment Program Modification Approval
Public Notice Number PA-299-JML

- Municipal Sanitary Authority of the City of New Kensington Resolution No. 04-05, adopted November 21, 2005.
- Headworks Analysis for Local Limits Reevaluation, dated July 2004, as revised March 2005 (response to USEPA review letter) and July 6, 2005 (letter amending March 2005 submission).

Local Limits Revision Approval Checklist

1. Facility Name	Municipal Sanitary Authority of the City of New Kensington
2. Permit No.	PA0027111
3. Actual Facility Flow	6.242 mgd
4. Date of Submission	7/30/04 with revisions dated 3/3/05 and 7/6/05
5. Date of Acceptance	7/21/05
6. Describe Modifications (up/down/pollutants)	**More Stringent:** arsenic, total chromium, hexavalent chromium, copper, nickel, silver, and zinc **Less Stringent:** pH **New Limits:** selenium **No Change:** cadmium, cyanide, lead, mercury, total phenols, TSS, CBOD, temperature, oil & grease Upper pH limit was revised from 9.0 to 11.5 to accommodate higher pH wastes which are not harmful to the system. In addition, a temporary pH excursion provision for users with continuous pH monitoring is being added which is similar to 40 CFR 401.17. The provision specifically prohibits any discharges with a pH below 5.0 for any period of time.
7. What Arsenic WQ Standard was used?	0.01 mg/l human health standard used but was not the most stringent criterion
- If not 0.01 mg/l, would it impact analysis? How?	N/A
8 Reason for Modification (Permit requirement, etc.)	permit requirement
9. Receiving Stream	
- Name	Pucketa Creek
- Designated Use	trout stock fishery; aquatic life, water supply, recreation
- 303(d) list (Y/N)?	N
☞ list pollutants	N/A
- TMDL planned/done?	N
☞ list pollutants	N/A

- Drinking Water Intake Downstream? (Y/N)	Oakmont Borough Municipal Authority - 4.6 miles downstream
10. Other Issues? (Enforcement actions, etc.)	The Authority has had a relatively high rate of SNC by its SIUs. Although the SNC rate has come down somewhat recently, there are several users that continuously monitor pH that have had difficulty maintaining their pH within the current limit of 6.0 to 9.0. It is expected that the new pH limit will resolve these violations without causing any problems at the treatment plant or in the collection system.
11. Other Improvement Opportunities (e.g., Pollution prevention)	The two most significant issues identified in the 2004 annual report review were the noncompliance rate of the SIUs and the need to complete the reevaluation of the local limits. Effluent monitoring for cyanide for 2004 indicated exceedances of the effluent goal used to develop the existing local limits, but the existing effluent goal is almost two orders of magnitude more stringent than necessary. No other influent, effluent, or sludge issues identified based on the data, although not all of the required sludge monitoring data has been submitted.

John Lovell
02/03/2005 04:24 PM

To: "French, Linda" <Linda.French@hatchmott.com>
cc:
Subject: Re: MSANK Headworks

I looked at the files and what you did generally looks good to me. In terms of general comments, I have 3.

1 - In the mass proportion spreadsheet, you have a background flow, conc, loading, etc. I assume that this includes all of the IUs that are not listed in the table below, so all other IUs are given a background allocation, including 3 Rivers for most pollutants. Is that right?

2 - For lead, it seems in the mass proportion you don't need to give Keystone the full categorical allocation since their maximum discharge was more than an order of magnitude below the categorical limit and the maximum discharge for the other SIUs seems to be above the allocated limit.

3 - For silver, it looks like you gave Keystone a categorical allocation of 12.0 mg/l. I didn't go back and check Keystone's category, but I don't think that their categorical limit would be that high no matter what category they fall into.

As far as your questions, see my initial reactions shown below in **bold.** I'll give you a call tomorrow and we can discuss further if needed.
"French, Linda" <Linda.French@hatchmott.com>

"French, Linda" <Linda.French@hatchmott.com>
01/28/2005 12:22 PM

To: John Lovell/R3/USEPA/US@EPA
cc:
Subject: MSANK Headworks

Hi John:

Thanks for your assistance and guidance on reviewing these draft files.

The first file is summary of the UCL limits as compared to the maximum concentrations reported by each SIU during 2003.

The second multi-page file (which always opens in the middle, not the beginning, of the file) contains the calculated limits for zinc, copper, nickel, lead, chromium, cadmium, silver using the ICF and MP methodologies. We gave Keystone an allocation based on their categorical standards before the rest of the loading was allocated. Not sure if this was appropriate. There are two sheets for cadmium because we discovered that the allocation for Keystone, based on the categorical standard, exceeded the MAIL for cadmium so the UCL method had to be used. There was insufficient data to do alternate calculations for arsenic, cyanide, mercury, molybdenum, selenium and hex. chrome.

The third file is a one page summary of all three sets of limits. Unifirst proposed limits were used for example purposes in this table. The background concentrations used in the calculations were literature values for average domestic sewage, per the guidance manual.

As we have been discussing, the limits for the non-SIU dischargers appear quite low in comparison to limits that appear high for the SIUs.

"High" is a relative term, and I don't see any automatic problem with a large difference between the limits for SIUs and non-SIUs, as long as both limits are an attempt to set reasonable limits based on the current conditions at the users. You just need to make sure that you're not short changing one side or the other, and that if you are establishing limits that are going to be monitored and enforced, that you leave some room for variability to the extend that you have

allocation to do that. If there is no room in the allocation for variability, I think it is more reasonable to expect that users with the higher discharge concentrations and loads would be expected to install treatment first, and so I would tend to take away from those users first.

Also, there has been considerable discussion on whether a limit is needed for a metal if the influent values were all non-detectable. Is it reasonable to set a limit regardless?

I don't think that it would be unreasonable to set a limit. Keep in mind that even if you establish a limit for a given pollutant, as long as the pollutant is not regulated by an applicable categorical standard, you have the ability to require no monitoring for that pollutant as long as you have determined that there is no reasonable chance that the user will violate the limit. So in that sense, I don't see any harm in establishing a limit for a pollutant, even if the users are discharging non-detectable amounts. The advantage of establishing the limit is that if any user (new or existing) starts to discharge the pollutant, you already have a limit established and so it is easy to issue the revised permit. It also helps from an enforcement standpoint in the event that you discover a user in the system illegally discharging high levels of the pollutant. Not only are they discharging without a permit, but they are also potentially violating an established limit. As far as non-detectable levels in the POTW influent, keep in mind that lower levels could be the result of a successful pretreatment program and treatment at the users. Dropping of a previous limit could result in decreased treatment and increased levels of that pollutant. For that reason, we generally don't accept POTW influent levels as the sole reason for dropping a previously established limit. If there had been no limit established in the past, POTW influent levels could be used as an indication of whether a new limit is needed, but I would also recommend looking at what the limit is coming out to be (the higher it would be, the less need for it) and whether the industries are discharging that pollutant in significant quantities or treating for the pollutant.

Any thoughts on these issues would be appreciated.

Thanks,

Linda

<<Table-Effect of Limits on IUs.xls>> <<Mass Proportion Limit Calcs- Adjusted for Keystone.xls>> <<Table-Basis of New Limits.xls>>

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Table-Effect of Limits on IUs.xls


Mass Proportion Limit Calcs- Adjusted for Keystone.xls


Table-Basis of New Limits.xls

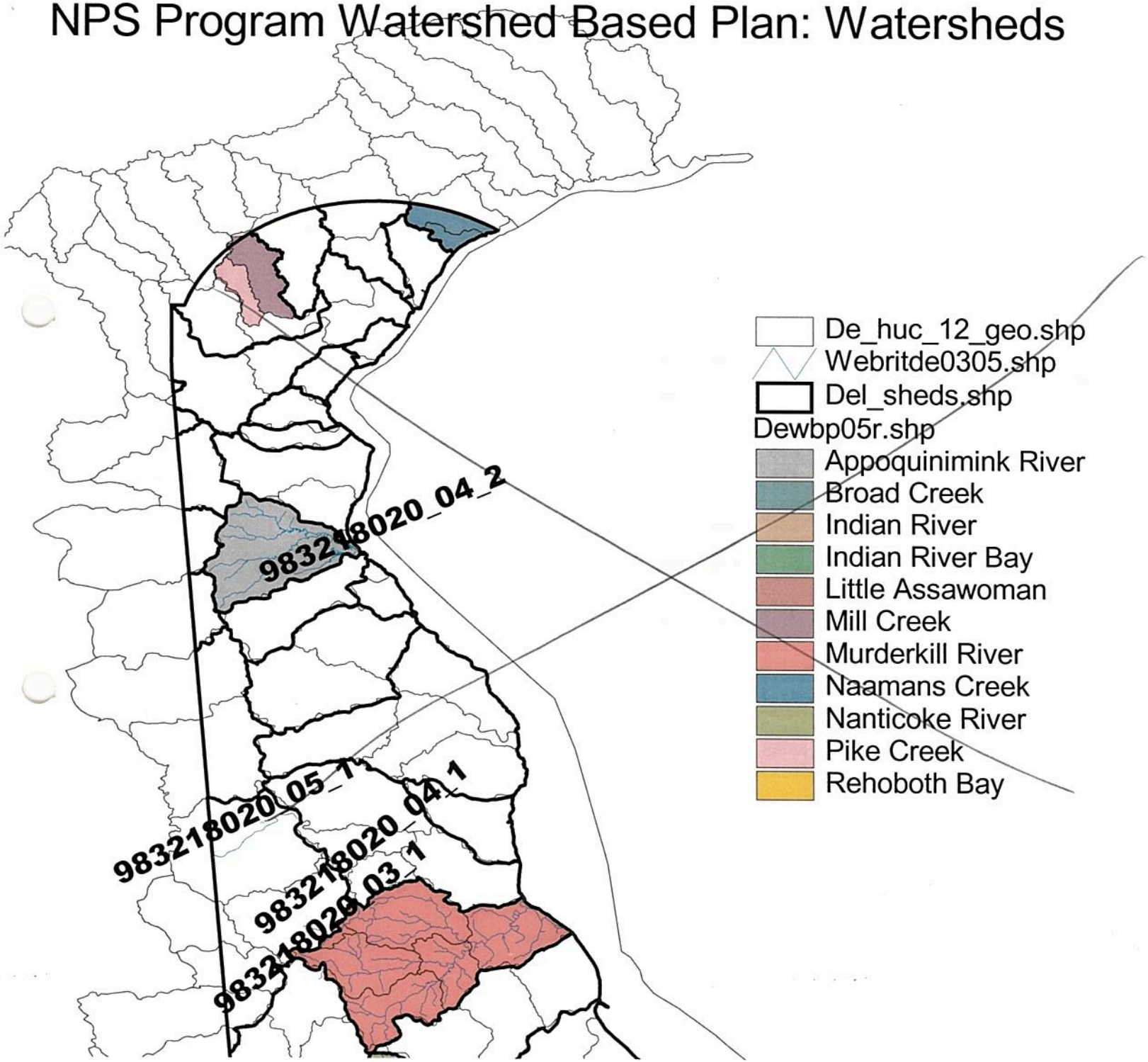
Municipal Sanitary Authority of the City of New Kensington
Headworks Analysis for Local Limits Reevaluation
Effect of UCL Limits as Reviewed by EPA compared to 2003 SIU Monitoring Data
DRAFT-FOR DISCUSSION PURPOSES

Parameter	Units	Existing Fine Limit	UCL Limits Reviewed by EPA for Years 2005-2006	UCL Limits Reviewed by EPA for Year 2007	UCL Limits Reviewed by EPA for Years 2008-2015	Unifirst Maximum Concen. in 2003	Citizens "Dock" Maximum Concen. in 2003	Citizens "Parking Lot" Maximum Concen. in 2003	Categorical Keystone Electroplating Maximum Concen. in 2003	North Side Foods Maximum Concen. in 2003	Schreiber No. 9 Maximum Concen. in 2003	Schreiber No. 242 Maximum Concen. in 2003	Three Rivers Maximum Concen. in 2003
Ammonia-Nitrogen	mg/l	-	-	-	-	-	-	-	-	-	-	-	4.14
Arsenic	mg/l	0.194	0.110	0.077	0.037	-	<0.010	<0.010	-	-	<0.01	<0.01	-
Cadmium	mg/l	0.2	0.20	0.063	0.028	0.158	<0.005	<0.005	0.05	-	<0.005	<0.005	-
Total Chromium	mg/l	15	13.1	13.1	13.1	0.18	0.006	0.006	0.286	-	0.011	0.01	-
Hexavalent Chromium	mg/l	6.65	2.3	2.3	2.3	-	<0.010	<0.010	-	-	<0.01	0.22	-
Copper	mg/l	3.4	1.4	1.4	0.6	1.25	0.117	0.4	0.999	-	0.4	0.04	-
Total Cyanide	mg/l	0.15	0.1693	0.1693	0.1693	-	<0.010	<0.010	0.145	-	<0.01	<0.01	-
Lead	mg/l	2.31	2.31	2.20	0.16	2.28	0.010	0.006	0.012	-	0.1	0.1	-
Mercury	mg/l	0.019	0.019	0.019	0.014	-	0.0002	0.0004	-	-	0.0003	<0.0002	-
Molybdenum	mg/l	-	-	0.085	0.085	-	-	-	-	-	-	-	-
Nickel	mg/l	1.68	0.72	0.454	0.454	0.406	0.04	0.04	2.24	-	0.04	<0.04	-
Phenolics (4AAP)	mg/l	-	1	1	1	-	0.028	0.02	-	-	0.106	0.09	-
Selenium	mg/l	-	14.1	0.079	0.079	-	-	-	-	-	-	-	-
Silver	mg/l	1.38	0.56	0.56	0.56	-	0.03	0.33	0.07	-	0.015	<0.01	-
Zinc	mg/l	34.7	2.77	2.77	1.56	6.957	0.35	0.25	6.58	-	0.15	0.18	0.307
Total Suspended Solids	mg/l	771	771	771	771	643	70	38	-	460	1050	178	96
CBOD5	mg/l	729	729	729	729	896	161	76	-	924	945	576	1689
pH	s.u.	6.0-9.0	6.0-10.5	6.0-10.5	6.0-10.5	9.53	7.80	9.36	9.40	9.40	6.90	8.39	7.4
Temperature	Deg. F	150 F	150F	150F	150F	-	-	-	-	-	-	-	95
Oil and Grease	mg/l	500	?	?	?	381	24.7	22	-	19.2	443	215	76.1
Total Petrol. Hydrocarb.	mg/l	-	-	-	-	-	-	-	-	-	-	-	-
Phosphorus	mg/l	-	-	-	-	-	-	-	-	-	-	-	10.51

= potential violation

REVISED 3/14/2005

NPS Program Watershed Based Plan: Watersheds



MSANK

CALCULATION OF LOCAL LIMITS

Parameter : **SELENIUM**

1. Maximum Allowable Industrial Load (MAIL):
   - Most Stringent Sludge Criteria = 0.389 lb/day (from PRELIM Model)
   - Less Stringent Sludge Criteria = 0.389 lb/day (from PRELIM Model)
   - No Sludge Criteria = 69.2 lb/day (from PRELIM Model)
2. Total Industrial Flow = 0.588 MGD
3. Background Concn = NA mg/L (Assume equal to EPA's typical avg. concn for domestic/commercial)
4. Background Industrial Flow = NA MGD (= Total Industrial Flow - Total flow from Industries that discharge the parameter being analyzed)
5. Industrial Bkgnd Load = NA lb/day (=Background Industrial Flow x Background Concentration x 8.34)
6. Keystone Categorical Limit = NA mg/L
7. Keystone Average Flow = NA MGD
8. Keystone Alloted Load = NA lb/day (= Keystone Categorical Limit Concn x Keystone Flow x 8.34)
9. Allowable Load for Ind. Users Listed:
   - Most Stringent Sludge Criteria = NA lb/day (= MAIL - Ind. Background Load - Keystone Allot
   - Less Stringent Sludge Criteria = NA lb/day (= MAIL - Ind. Background Load - Keystone Alloted Load)
   - No Sludge Criteria = NA lb/day (= MAIL - Ind. Background Load - Keystone Alloted Load)

					Most Stringent Sludge Criteria		Less Stringent Sludge Criteria		No Sludge Criteria		
Industrial Users Known to Discharge Parameter	*User Flow (MGD)*	*Avg. Concn. (mg/L)*	*User Load (lb/day)*	*User/Total Ratio*	*Allowable Load (lb/day)*	*Allowable Concn. (mg/L)*	*Allowable Load (lb/day)*	*Allowable Concn. (mg/L)*	*Allowable Load (lb/day)*	*Allowable Concn. (mg/L)*	*MAX Concn. (mg/L)*
No Industrial Data Available											
TOTAL =	0			0.00	0.00		0.00		0.00		
	Industrial Contributory Flow Approach					NA		NA		NA	
	Uniform Concentration Limit Approach					0.079		0.079		14.1	
	Existing Limit					NA		NA		NA	

= Input Value (others are calculated)

Select UNIFORM CONCENTRATION LIMIT approach

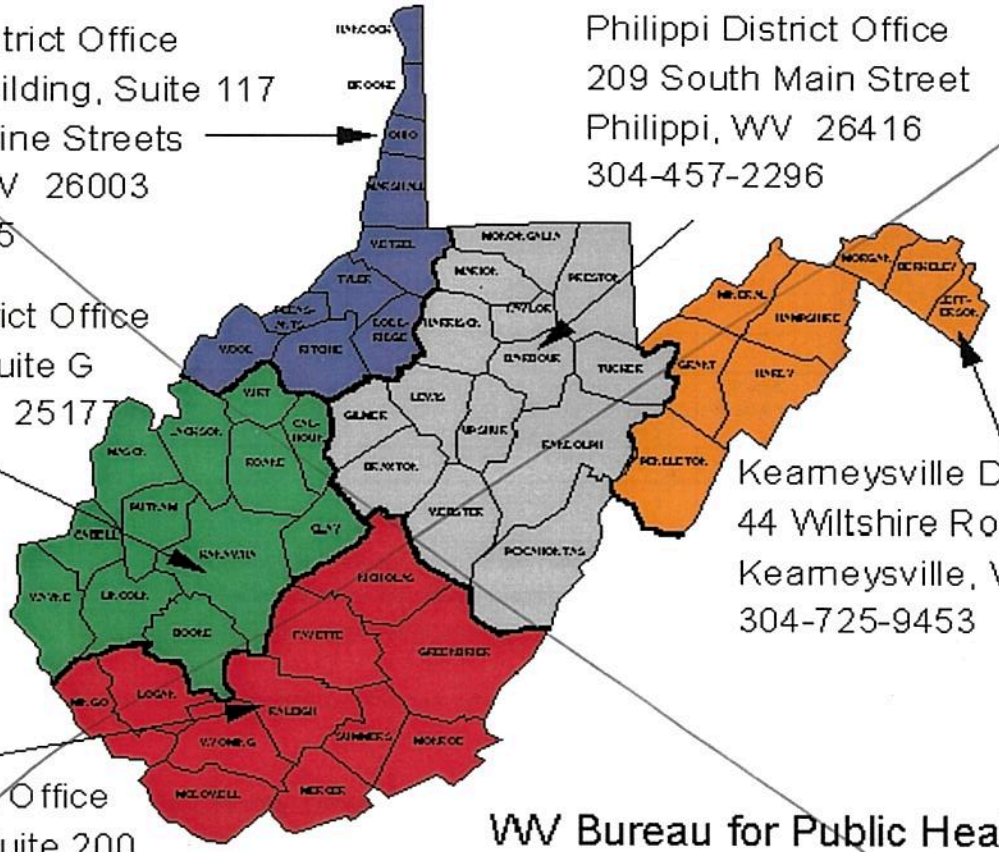
Wheeling District Office
Methodist Building, Suite 117
12th & Chapline Streets
Wheeling, WV 26003
304-238-1145

St. Albans District Office
808 B Street, Suite G
St. Albans, WV 25177
304-722-0611

Beckley District Office
Bair Building, Suite 200
103 North Kanawha Street
Beckley, WV 25801
304-256-6666

Philippi District Office
209 South Main Street
Philippi, WV 26416
304-457-2296

Keameysville District Office
44 Wiltshire Road
Keameysville, WV 25430
304-725-9453



WV Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division

Appendix D

Municipal Sanitary Authority of the City of New Kensington
Headworks Analysis for Local Limits Reevaluation
Basis of New Limits
DRAFT - FOR DISCUSSION PURPOSES

Parameter	Units	Existing Fine Limit	Uniform Concentration Limits for Years 2005-2006	Uniform Concentration Limits for Year 2007	Uniform Concentration Limits for Years 2008-2015	SIU Industrial Contributory Flow Limits for Years 2005-2006	SIU Industrial Contributory Flow Limits for Year 2007	SIU Industrial Contributory Flow Limits for Years 2008-2015	Non-SIU Industrial Contributory Flow Limits All Years	Unifirst Mass Proportion Limits for Year 2005-2006	Unifirst Mass Proportion Limits for Year 2007	Unifirst Mass Proportion Limits for Years 2008-2015	Non-SIU Mass Proportion Limits All Years	Basis Of Proposed Limit
Ammonia-Nitrogen	mg/l	-	-	-	-	-	-	-	-	-	-	-	-	-
Arsenic	mg/l	0.194	0.110	0.077	0.037	-	-	-	-	-	-	-	-	UCL
Cadmium	mg/l	0.2	0.20	0.063	0.028	5.77	0.33	0.12	0.008	6.94	0.39	0.15	0.008	ICF
Total Chromium	mg/l	15	13.1	13.1	13.1	92.49	92.49	92.49	0.034	96.74	96.74	96.74	0.034	UCL
Hexavalent Chromium	mg/l	6.65	2.3	2.3	2.3	-	-	-	-					UCL
Copper	mg/l	3.4	1.4	1.4	0.6	8.04	8.04	2.37	0.14	8.38	8.38	2.47	0.14	ICF
Total Cyanide	mg/l	0.15	0.1693	0.1693	0.1693	-	-	-	-	-	-	-	-	UCL
Lead	mg/l	2.31	2.2	2.2	0.16	100.29	3.13	0.67	0.058	105.41	3.29	0.71	0.058	ICF
Mercury	mg/l	0.019	0.019	0.019	0.014	-	-	-	-	-	-	-	-	UCL
Molybdenum	mg/l	-	-	0.085	0.085	-	-	-	-	-	-	-	-	UCI
Nickel	mg/l	1.68	0.72	0.454	0.454	3.9	1.96	1.96	0.047	4.07	2.04	2.04	0.047	ICF
Phenolics (4AAP)	mg/l	-	1	1	1	-	-	-	-	-	-	-	-	-
Selenium	mg/l	-	14.1	0.079	0.079	-	-	-	-	-	-	-	-	UCL
Silver	mg/l	1.38	0.56	0.56	0.56	18.01	18.01	18.01	0.019	-	-	-	-	UCL
Zinc	mg/l	34.7	2.77	2.77	1.56	9.65	9.65	4.88	0.231	17.3	17.3	8.75	0.231	MP
Total Suspended Solids	mg/l	771	771	771	771	-	-	-	-	-	-	-	-	UCL
CBOD5	mg/l	729	729	729	729	-	-	-	-	-	-	-	-	UCL
pH	s.u.	6.0-9.0	6.0-10.5	6.0-10.5	6.0-10.5	-	-	-	-	-	-	-	-	-
Temperature	Deg. F	150 F	150F	150F	150F	-	-	-	-	-	-	-	-	-
Oil and Grease	mg/l	500	?	?	?	-	-	-	-	-	-	-	-	-
Total Petrol. Hydrocarb.	mg/l	-	-	-	-	-	-	-	-	-	-	-	-	-
Phosphorus	mg/l	-	-	-	-	-	-	-	-	-	-	-	-	-

REVISED 3/14/2005